

## **ORDINANCE NO. 2016-12**

### **Amending Personnel Ordinance HR0360, Hours of Work, Overtime and Compensatory Time to allow for pay-out of accumulated compensatory time throughout the year**

#### Executive Summary

Personnel Ordinance HR0360, Hours of Work, Overtime and Compensatory Time, addresses rules surrounding the accumulation and use of compensatory time. Compensatory time is not meant to be used as a vacation supplement, but rather as a means to supplement hours as workload may peak and ebb throughout the year. Compensatory time should be taken within thirty days of the date it is earned, whenever possible, to try to avoid banking a large amount of compensatory time that may result in a large cash payout at the end of the year. Non-exempt employees may accumulate a bank of up to 240 hours of compensatory time (equal to 160 hours of overtime), which may be replenished as an employee uses compensatory time.

Currently, any compensatory time not used by November 30 is paid out on the next regular paycheck in December and is not allowed to be carried over into the next calendar year except in unique and/or exceptional situations due to Wisconsin Retirement consequences. The Personnel Ordinance is silent on the matter of allowing employees to “cash out” all or a portion of compensatory time at any other time during the year. However, it *may* be advantageous to the employee *and* the County to allow a periodic pay-out. Examples include: the employee has an immediate financial hardship and the department has overtime budgeted; federal, state, grant or other funding may be able to be used mid-year to cover the payout, but would not be available if the County waited until November 30; and, the department is experiencing vacancies or leaves of absence and will be unable to grant the time off and knowing the cost of the payout earlier can assist in budget adjustments throughout the year. The proposed ordinance amendment was drafted to minimize potential problems associated with providing the option of a discretionary pay-out of compensatory time throughout the year. These include a department going over-budget in wages; an employee accumulating another large bank of compensatory time resulting in either additional time off or another payout that was not anticipated; and calculating previous year Wisconsin Retirement payments with interest (to avoid paying interest on compensatory time pay-outs, the compensatory time needs to be paid out in the same year it was earned).

On September 20, 2016, the Human Resources Committee reviewed language amending Personnel Ordinance HR0360, Hours of Work, Overtime and Compensatory Time, as proposed by the Human Resources Director. The amendment would provide the opportunity for a discretionary pay-out of accumulated compensatory time throughout the year, but would also alleviate the County’s future liability or risk associated with said pay-out. After consideration of the proposed revision, the Human Resources Committee is recommending an amendment to HR0360, Hours of Work, Overtime and Compensatory Time, providing the option of a discretionary pay-out of compensatory time throughout the year upon request of the employee and approval by the department head and Human Resources Director.

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WHEREAS, it may be mutually beneficial to both the employee and the County to allow a discretionary pay out of compensatory time upon request of the employee and approval by the department head and Human Resources Director.

NOW, THEREFORE, BE IT RESOLVED that the Human Resources Committee supports and recommends the amendment of Section HR0360, Hours of Work, Overtime and Compensatory Time, to allow pay-outs of compensatory time upon request of the employee and approval by the department head and Human Resources Director.

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section HR0360 (B) (5), Hours of Work, Overtime and Compensatory Time, is amended as follows and articles (e), (f) and (g) are re-lettered accordingly:

**HR0360       HOURS OF WORK, OVERTIME AND COMPENSATORY TIME**

**B.       Non-Exempt Employees**

5.       When accrual of compensatory time is authorized, the following provisions shall apply:

- a.       Department heads shall have full responsibility and discretion for limiting the amount of compensatory time earned, providing it is equal to or less than the maximum established below. [cr. 12/13/11, ord. 2011-21]
- b.       An employee must have the appropriate department head's prior approval to use accumulated compensatory time. The dates when compensatory time off shall be granted shall be determined by agreement between the employee and the employee's department head.
- c.       Whenever possible, compensatory time is to be taken within thirty (30) days of the date it is earned, and taken with the prior approval of the department head. The use of compensatory time must not conflict with the needs of the department. Under normal circumstances, it is expected that compensatory time be used on an on-going basis as the workload permits, and not as a vacation supplement or addition.
- d.       The maximum amount of compensatory time which may be accumulated is 160 hours of overtime worked or 240 hours of compensatory time. An employee who has accrued the maximum number of hours of compensatory time may reduce the hours below the maximum by the use of time off and resume accrual of compensatory time. [am. ord. 2006-

30, 3/13/06; am. 12/13/11, ord. 2011-21; am. 12/09/14, ord. 2014-32].

- e. An employee may request all or a portion of earned compensatory time to be paid out at any time during the year, providing it is paid out in the same year it was earned. Approval of a pay out of compensatory time request will require the approval of the department head and the Human Resources Director and shall not impose any disadvantage to the County. The maximum amount of accumulated compensatory time allowed shall be reduced by the number of hours paid out.
- e.f. Any compensatory time not used by November 30 shall be paid on the next regular paycheck in December. On-call Intake Social Workers may request to carry over a maximum of 80 hours of compensatory time by November 30. The decision to authorize the carryover of compensatory time is at the discretion of the Human Services Director and in no case shall banked compensatory time exceed 240 hours. [cr. ord. 2014-32, 12/09/14]
- f.g. If employment is terminated, any unused compensatory time will be paid to the employee at the regular rate of pay at the time of termination, or the average of the rate of pay over the last three years, whichever is greater. [am. 12/13/11, ord. 2011-21]
- g.h. The department head or designee is responsible for completing permanent time records for all non-exempt staff and ensuring that appropriate records for paid time off are provided to Human Resources for both non-exempt and exempt staff.

Section 2. This ordinance shall be effective after passage and publication as provided by law.

*Fiscal Note: There is no fiscal impact.*

Adopted by the Jefferson County Board of Supervisors this 11th day of October 2016.

s/Jim Schroeder  
Jim Schroeder  
Chair

ATTEST:

s/Barbara A. Frank  
Barbara A. Frank, County Clerk

Published this 14th day of October 2016.

Ayes\_VOICE VOTE\_\_\_\_\_ Noes\_\_\_\_\_ Abstain\_\_\_\_\_ Absent\_\_\_\_\_ Vacant\_\_\_\_\_

Requested by Human Resources Committee

10-11-16

Terri M. Palm: 09-16-16

REVIEWED: Administrator: BW; Corp. Counsel: JBW; Finance Director: BL